

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAURA RODRIGUEZ-MORENO, *et al.*,

Defendants.

CASE NO. CR20-0136-JCC

ORDER

This matter comes before the Court on Defendant Jose Morales-Flores, Omar Israel-Morales, Gerardo Arias-Garcia, Samantha Hernandez, and Ricardo Barraza Vizcarra's unopposed amended motion to continue trial until early October 2021.¹ (Dkt. Nos. 107–08.) The current trial date is November 2, 2020. (*See* Dkt. Nos. 30, 85, 86, 89, 90.) Having thoroughly considered the motion and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

This case is related to two others, *United States v. Villasenor*, CR20-0137-JCC, and *United States v. Lerma-Jaras*, CR20-0146-JCC, which collectively involve more than 20 defendants and, the Government alleges, multiple conspiracies to distribute controlled

¹ Defendant Laura Rodriguez-Moreno did not join or oppose the motion. Even so, the findings in this order regarding the complexity of the case and the COVID-19 pandemic apply equally to Ms. Rodriguez-Moreno.

1 substances. (Dkt. No. 107 at 2.) The Government's investigation involved hundreds of hours of
2 surveillance, wiretaps of multiple cell phones, more than a dozen controlled buys, at least ten
3 multi-kilo seizures of controlled substances, and searches of several vehicles, residences, and
4 businesses. (*Id.*) The Government has already produced over 10,000 pages of discovery, much of
5 which is in Spanish which requires defense counsel to work with interpreters. (*Id.* at 3.) In
6 addition, defense counsel's access to the Federal Detention Center to confer with their clients is
7 limited. (*Id.*)

8 The Court also, *sua sponte*, considers the context in which Defendants' motion arises.
9 Over the past seven months, the COVID-19 pandemic has significantly impacted the Court's
10 operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of which
11 the Court incorporates by reference.) Specifically, the pandemic has rendered the Court unable to
12 obtain an adequate spectrum of jurors to represent a fair cross section of the community and
13 public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to
14 be present in the courtroom. (*See generally id.*) These impacts are likely to be particularly acute
15 in this case, which involves seven defendants, all of whom are represented by separate counsel,
16 and many of whom will require interpreters at trial.

17 Having thoroughly considered the briefing and the relevant record, the Court FINDS that
18 the ends of justice served by granting a continuance outweigh the best interests of Defendants
19 and the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 20 1. Because of the number of defendants involved, the Government's allegation of
21 multiple conspiracies, and the volume of evidence, this case is so complex that it is
22 unreasonable to expect adequate preparation for pretrial motions and trial within the
23 current deadlines. *See* 18 U.S.C. § 3161(h)(7)(B)(ii).
- 24 2. The COVID-19 pandemic has rendered the Court unable to obtain an adequate
25 spectrum of jurors to represent a fair cross section of the community, which would
26 likely make proceeding on the current case schedule impossible or would result in a

1 miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

- 2 3. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
3 Court staff to be present in the courtroom. Holding a trial in compliance with public
4 health guidance presents unique difficulties in this case due to the number of
5 defendants, attorneys, and interpreters that would need to be in the courtroom.

6 Therefore, proceeding with the current trial date would likely be impossible. *See* 18
7 U.S.C. § 3161(h)(7)(B)(i).

8 Accordingly, the Court ORDERS:

- 9 1. The November 2, 2020 jury trial is CONTINUED until October 4, 2021.
10 2. The pretrial motions deadlines are CONTINUED until August 3, 2021.
11 3. The period from the date of this order until October 4, 2021 is an excludable time
12 period under 18 U.S.C. § 3161(h)(7)(A).

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14 DATED this 30th day of October 2020.

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18 John C. Coughenour
19 UNITED STATES DISTRICT JUDGE
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